

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CATHY ENWERE, §
§
Plaintiff, § Civil Action No. **3:17-CV-1092-L-BK**
v. §
§
CATHY NEAL; WALMART; and §
CMI COMPANY, §
§
Defendants. §

ORDER

The case was referred to United States Magistrate Judge Renée Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on January 30, 2018, recommending that the court dismiss without prejudice this action for lack of jurisdiction. No objections to the Report were filed.

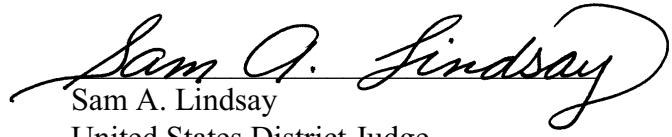
After carefully reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses without prejudice** this action for lack of jurisdiction.*

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the

* Plaintiff filed a motion to amend her pleadings to plead additional state law claims but the motion was denied by the magistrate judge on March 14, 2018, because the proposed amendment did not cure the jurisdictional deficiency noted in the Report.

event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 9th day of April, 2018.



Sam A. Lindsay
United States District Judge